

RECEIVED  
CENTRAL FAX CENTER

**AUG 25 2006**

# TOTAL PETROCHEMICALS

**Legal Department  
1201 Louisiana, Suite 1800  
PO Box 674411  
Houston, TX 77002**

<b>To:</b> United States Patent and Trademark Office Commissioner for Patents	<b>From:</b> Shirley A. Kopecky
<b>Fax:</b> 571-273-8300	<b>Phone:</b> 713-483-5386
<b>Pages:</b> 12 Including cover sheet	<b>Fax:</b> 713-483-5384/281-884-0623
<b>Phone:</b>	<b>Date:</b> 8/25/2006
<b>Re:</b> Attorney Docket: COS-890	<b>CC:</b>

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

In re Application of:  
Jim Butler et al.

**Serial No.: 10/749,259**

**Confirmation No.: 8566**

**Filed: December 31, 2003**

**For: USING EXCESS LEVELS OF METAL SALTS TO IMPROVE PROPERTIES WHEN INCORPORATING POLYMERS IN ASPHALT**

**Customer No: 25264**  
**Examiner: Peter Mulcahy**

Group Art Unit: 1713

**Customer No: 25264**

**Attorney Docket No. COS-890**

**See attached:**

1. Transmittal Letter; and
2. Amendment and Response to Office Action and Final Rejection dated June 28, 2006

THIS FACSIMILE TRANSMISSION MAY CONTAIN INFORMATION WHICH IS PRIVILEGED, OR OTHERWISE CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, USE OR DISSEMINATION OF THIS INFORMATION IS IMPROPER AND PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, KINDLY CALL THE SENDER TO ARRANGE FOR ITS RETURN.

Attorney Docket No. COS-890  
Customer No: 25264

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Jim Butler et al.  
Serial No.: 10/749,259

Confirmation No.: 8566

Filed: December 31, 2003

For: USING EXCESS LEVELS OF METAL  
SALTS TO IMPROVE PROPERTIES WHEN  
INCORPORATING POLYMERS IN ASPHALT

§ Examiner: Peter Mulcahy

§

§

§

§

§

§

§

§

§

§

Group Art Unit: 1713

Attorney Docket No. COS-890

RECEIVED  
CENTRAL FAX CENTER

AUG 25 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Honorable Commissioner:

## CERTIFICATE OF FACSIMILE 37 CFR 1.8

I hereby certify that this correspondence is being facsimile  
transmitted to the Patent and Trademark Office to the designated  
fax 571-273-8300, to the attention of the named Examiner, on the  
date below.August 25, 2006  
Date

Signature

TRANSMITTAL LETTER

In connection with the above-identified application, Applicants respectfully submit an Amendment and Response to Office Action and Final Rejection dated June 28, 2006.

No fees are believed to be due in conjunction with this response. However, if fees are due the Commissioner is hereby authorized to charge any such fees that may be required, or to credit any overpayment, to Deposit Account Number 03-3345.

Respectfully submitted,

Date:

August 25, 2006

Shirley A. Kopecky  
Registration No. 48,460  
FINA TECHNOLOGY, INC.  
P.O. Box 674412  
Houston, Texas, 77267-4412  
Telephone: 713-483-5386  
Facsimile: 713-483-5383  
Attorney for Applicant(s)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Jim Butler et al.

Serial No.: 10/749,259

Confirmation No.: 8566

Filed: December 31, 2003

For: USING EXCESS LEVELS OF  
METAL SALTS TO IMPROVE  
PROPERTIES WHEN  
INCORPORATING POLYMERS  
IN ASPHALT

§ Examiner: Peter Mulcahy  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Group Art Unit: 1713

Attorney Docket No. COS-890

**RECEIVED**  
**CENTRAL FAX CENTER**

**AUG 25 2006**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF FACSIMILE 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office to the designated fax 571-273-8300, to the attention of the named Examiner, on the date below.

August 25, 2006  
Date

Signature

Dear Honorable Commissioner:

**RESPONSE TO OFFICE ACTION DATED JUNE 28, 2006**

In response to the Office Action and Final Rejection dated June 28, 2006, having a shortened statutory period for response set to expire on September 28, 2006, Applicants file this response and amendment.

Applicants thank the Examiner for his time on March 10, 2006, and respectfully request allowance of the claims based on that discussion and the following.

The Listing of Claims begins on Page 2.

Remarks/Arguments begin on Page 9.